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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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9 RAYMOND PADILLA,)
10 Plaintiff,) 3:08-cv-00410-LRH (RAM)
11 v.)
12 E. K. McDANIEL, et al.,) O R D E R
13 Defendants.)
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15 The Court has considered the Report and Recommendation of United States Magistrate
16 Judge Robert A. McQuaid, Jr. (#19¹) entered on October 21, 2009, in which the Magistrate Judge
17 recommends that Defendants' Motion to Dismiss (#13) be granted without prejudice and with leave
18 to amend and Plaintiff's Motion Requesting Preliminary Injunction, and Restraining Order (#12²) be
19 denied as moot. No objections were filed. The Court has considered the pleadings and memoranda
20 of the parties and other relevant matters of record and has made a review and determination in
21 accordance with the requirements of 28 U.S.C. § 636 and applicable case law, and good cause
22 appearing, the court hereby

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¹Refers to court's docket number.

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²Report and Recommendation mistakenly refers to Plaintiff's "Motion Requesting Preliminary
Injunction, and Restraining Order" as Doc. #6.

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1 ADOPTS AND ACCEPTS the Report and Recommendation of the United States
2 Magistrate Judge (#19); therefore, Defendants' Motion to Dismiss (#13) is granted without prejudice
3 and with leave to amend and Plaintiff's Motion Requesting Preliminary Injunction, and Restraining
4 Order (#12) is denied as moot.

5 IT IS SO ORDERED.

6 DATED this 19th day of November, 2009.



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10 LARRY R. HICKS
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12 UNITED STATES DISTRICT JUDGE
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